

**Remarks/Arguments**

Claim 1 is amended to specify that each block comprises a plurality of pixels. This amendment is made to particular claim the block structure of a divided digital picture. Support for the amendment is found in the specification on page 3, lines 20-22, page 8, lines 8-16, and in other places.

Claims 7 and 8 are amended to claim that data produced by the claimed method is suitable for use in an image database application. Such an amendment is made to specify the context for the application of the claimed invention. Support for the amendment is found in the specification on page 1, lines 13-15, page 7, lines 15-17, and in other places.

No new matter was added in view of these amendments.

Applicants also note that Claims 1, 7, and 8 were discussed in a telephonic interview on August 27, 2003 with the Examiner. The substance of the interview with suggested amendments is incorporated in this response.

***1. 35 U.S.C. §102 Rejection***

The Examiner rejected Claims 7 and 8 under 35 U.S.C. §102(a) as anticipated by an article entitled "Incorporation of Derivative Priors in Adaptive Bayesian Color Image Segmentation" by Luo et al. (hereafter 'Luo'). Applicants disagree with this ground of rejection.

Amended Claim 7 recites that data generated is "suitable for use in an image database application." This feature is neither disclosed nor suggested in Luo.

The Examiner in the Office Action rejected Claim 7 by stating that Luo discloses, "the representation of the image data by a MAP estimation is for a search application that searches for the most probable segmentation of the image." The Examiner's suggested search operation from Luo does not use or produce data "suitable for use in an image database application" as claimed in

Claim 7. The searching operation of Luo is used for a MAP estimation process, not for an image database application.

For the forgoing reasons, Applicants assert that Claim 7 is patentable and request that the Examiner remove the rejection to this claim. For the reasons listed in connection with Claim 7, Applicants assert that Claim 8 is patentable. Applicants request that the Examiner remove the rejection to this claim, as well.

## ***II. 35 U.S.C. §103 Rejection***

The Examiner rejected Claims 1 and 3-5 under 35 U.S.C. 103(a) as being unpatentable by the reference entitled "Automatic Watershed Segmentation of Randomly Textured Images" by Shafarenko et al. (hereafter 'Shafarenko') in view of the reference entitled "Unsupervised Video Segmentation Based on Watersheds and Temporal Tracking" by Wang (hereafter 'Wang'). Applicants disagree.

Claim 1 is amended to claim that a digital picture is divided into blocks "wherein each block comprises a plurality of pixels". Neither Shafarenko nor Wang, alone or in combination, disclose or suggest this claimed feature of Claim 1.

In the Final Office Action, the Examiner rejected Claim 1 by stating that the claimed element of dividing a digital picture into blocks was disclosed by Shafarenko as, "Shafarenko operates on pixels, which are the smallest image blocks." Applicants note that both Shafarenko and Wang operate in view of individual pixels, not blocks where each block comprises a plurality of pixels as claimed in Claim 1. Furthermore, neither Shafarenko nor Wang, alone or in combination, suggest how to modify such references to operate with blocks composed of a plurality of pixels, without using the teachings of the present invention.

For the forgoing reasons, Applicants assert that Claim 1 is patentable and request that the Examiner remove the rejection to this claim. For the reasons listed above, Applicants assert that Claims 3-5 are patentable as the claims


depend on allowable Claim 1. Applicants request that the Examiner remove the rejection to these claims.

The substance of the points raised by the Examiner in the Response to Amendment and Arguments section of in the Final Rejection are moot, in view of the amendments made to Claims 1, 7, and 8.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

  
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Joel M. Fogelson

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